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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,
12 Plaintiff,

13 v.

14 JOSE ANTONIO DEL TORO-
SANCHEZ

15 Defendant.
16

)
) No. CR-08-0142 SBA

)
) STIPULATION AND [PROPOSED]
) ORDER TO CONTINUE HEARING
) FROM APRIL 1, 2008 TO APRIL 8,
) 2008 AND FOR EXCLUSION OF
) TIME
)
)

17 Defendant Jose Antonio Del Toro-Sanchez's first appearance before Your Honor is
18 scheduled for April 1, 2008. Undersigned defense counsel will be unavailable on April 1, 2008.
19 The parties therefore stipulate and agree that Mr. Del Toro-Sanchez's hearing should be continued
20 by one week to April 8, 2008 at 9:00 a.m. for status. Mr. Del Toro-Sanchez is in custody.

21 The parties further stipulate and agree that the time between April 1, 2008 and April 8, 2008,
22 should be excluded from calculations under the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and
23 (B)(iv). The additional time is necessary for continuity of counsel, and counsel will also use the
24 time reasonably for effective preparation, taking into account the exercise of due diligence.

25 For these reasons, the parties request that the Court order that this period of time should be
26 excluded under the Speedy Trial Act, 18 U.S.C. §3161 (h)(8)(A) and (B)(iv), because the

1 continuance is necessary to provide defendant with continuity of counsel and with the reasonable
2 time necessary for effective preparation, taking into account the exercise of due diligence.

3 SO STIPULATED.

4 Dated: March 24, 2008

/S/

5 _____
CHINHAYI COLEMAN
6 Assistant United States Attorney

7 SO STIPULATED.

8 Dated: March 24, 2008

/S/

9 _____
SHAWN HALBERT
10 Attorney for Defendant FRYE

11 SIGNATURE ATTESTATION

12 I hereby attest that I have on file all holograph signatures for any signatures indicated by
13 a “conformed” signature (/S/) within this e-filed document.

ORDER

Good cause appearing therefore, and pursuant to the stipulation of the parties, it is the ORDER of this Court that the above-captioned matter be continued by one week from April 1, 2008 to April 8, 2008 at 9:00 a.m. for status.

Based on the reasons provided in the stipulation of the parties above, the Court hereby FINDS that the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial, and that the failure to continue the matter would deny defendant Frye continuity of counsel and the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. §3161(h)(8)(A) & (B)(iv).

Based on these findings, IT IS HEREBY ORDERED THAT the time from April 1, 2008 to April 8, 2008 shall be excluded for purposes of the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and (B)(iv).

Dated: _____, 2008

SAUNDRA BROWN ARMSTRONG
United States District Court